

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

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|--|---|--------------------|
| ERIC TUTTOBENE, <i>et al.</i> , |) | |
| |) | |
| Plaintiffs |) | |
| |) | No. 3:10-0978 |
| v. |) | Judge Sharp/Brown |
| |) | Jury Demand |
| THE ASSURANCE GROUP, INC., <i>et al.</i> , |) | |
| |) | |
| Defendants |) | |

O R D E R

A telephone conference was held with the parties on July 2, 2014, to discuss case progress and the proposition of setting up an independent audit of various of the Plaintiffs' accounts tagged with the Assurance Group.

As the Magistrate Judge has previously expressed, he is somewhat mystified as to why an audit of the Plaintiffs' accounts has not apparently been completed to the satisfaction of the parties. It would seem to the Magistrate Judge that the Defendants should have an easy way to list the payments to the Plaintiffs and the deductions from those payments with an explanation of what the deductions mean, and a final figure that was paid which would correspond to 1099s provided to the Internal Revenue Service.

The Defendants contend that they have provided this information. The Plaintiffs are just as insistent that they have not had adequate explanations. Part of this may be a failure to communicate by the parties as it appears there may be information from 2013 by each side that has not been fully shared with the other.

Be that as it may, the Magistrate Judge is more than willing to assist the parties in setting up a protocol and an audit of the accounts of the Plaintiffs in this case. The parties advised that they thought they could work on this and reach an agreement.

The parties are requested to provide the Magistrate Judge with a report on their progress, an agreed protocol and an agreed auditor on or before **August 4, 2014**.

A telephone conference to discuss the report, and if necessary, to approve or complete the adoption of a protocol and an auditor is set for **1:30 p.m., August 12, 2014**. **To participate in the conference call, parties will call 615-695-2851 at the scheduled time.**

In the event it appears that the issues remaining will be too complicated to handle by telephone, the Magistrate Judge will convert the matter to a an in-court hearing at the same time and would strongly suggest that, if necessary, the parties have an auditor they have agreed on present to help complete the protocol for the audit.

The Defendants have agreed to fund the audit initially, subject to the allocation of costs at a later date, depending on the outcome of the case.

It is so ORDERED.

/s/ Joe B. Brown
JOE B. BROWN
United States Magistrate Judge